

### **REMARKS**

At the time of the Office Action, claims 1-8, 10, 11, and 21-23 were pending in the case. Of these, claims 1 and 7 are cancelled above, new independent claim 24 is introduced and claims 2-6, 8, 10 and 21-23 are amended.

The present action is a non-final rejection of the claims from the Request for Continued Examination filed on 20 January 2005. It appears that some progress has been made in moving this case towards allowance, and it is hoped that this response will result in allowance of the case.

### **Amendment to the Specification**

In reviewing the specification, the applicant has noted that the first paragraph, containing the priority claim, needs to be updated to reflect the current status of the priority applications. Paragraph [0001] is updated above.

### **Double Patenting Rejection**

The Examiner has repeated the obviousness-type double patenting rejection made in previous actions. To date, applicant has declined to provide a terminal disclaimer on the basis that the Examiner has not identified allowable subject matter. Even though the Examiner still has not indicated allowable subject matter, applicant believes that new claim 24 provides such allowable subject matter, so a terminal disclaimer is provided.

### **The Rejection Under 35 U.S.C. §112, second paragraph**

The prior rejection has not been repeated, so it is understood to have been overcome with the prior response.

The applicant respectfully notes the Examiner's comment regarding the lack of specificity in claim 1 and has attempted to address that comment in this response.

### **The Rejection Under 35 U.S.C. §102(b)**

The prior novelty rejection based on Elmore et al., US Pat. No. 4,091,142 ("Elmore '142") is not repeated, so it is understood as being overcome.

### **The Rejection Under 35 U.S.C. §103(a)**

The Examiner has rejected all pending claims (1-8, 10, 11, 21-23) as being obvious over the combination of Elmore '142 and US Pat No 5,849,406 to Daws ("Daws '406). Although applicant traverses this rejection, the rejection is mooted by cancellation

of claim 1. Applicant respectfully submits that the new independent claim 24 is not obvious in view in Elmore '142 and Daws '406.

Although the Examiner is correct that Fig. 1 of Elmore '142 shows a house, and even, arguably, a house comprised of a plurality of modular units, Elmore '142 does not show a house comprising at least two modular housing components and a foundation, where each said modular housing component comprises a steel member frame and at least one exterior panel mounted to the steel member frame. Elmore '142 also does not show a house where the modular housing components are transported in a completed manner to the foundation, where they are assembled to each other and to the foundation. In fact, Elmore '142 seems to teach only the pre-fabrication of roof and wall sections that are taken to a construction site for assembly. See, for example, Col. 3, lines 27-47. Daws '406, which is limited to wall panels, does not discuss house construction techniques involving modular housing, so it is unable to supply the missing elements not found in Elmore '142.

### **CONCLUSION**

In view of the foregoing amendment and accompanying remarks, the Applicant respectfully submits that the present application is properly in condition for allowance and may be passed to issuance upon payment of the appropriate fees.

Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the subject application is respectfully encouraged.

Respectfully submitted,

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